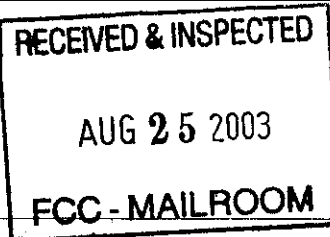


Clearwater Memorial Library



(208) 476-3411
Post Office Box 471
402 Michigan Avenue
Orofino, Idaho 83544-0471

August 12, 2003

Federal Communications Commission
Office of the Secretary
445-12th SW Street, 20554
Washington, D.C.

CC Docket No. 02-6

Request for Appeal

| | |
|------------------------|------------------------|
| Billed Entity Number | 142690 |
| 471 Application Number | 361785 |
| Funding Request Number | 980059, 980126, 980161 |
| Funding Year | Year 2003-2004 |

Dear Appeal Board:

This appeal is in response to a decision made by USAC dated July 1, 2003. In that decision USAC rejected my appeal to an earlier decision made by USAC and dated March 12, 2003. On March 12 USAC stated that my Form 471 filed electronically was incomplete. My original Form 471 was not filed electronically (my not being authorized to do so.) and so I spoke with USAC representatives and refilled the original paper application on appeal. In discussions with them I had not been told that my paper application was incomplete, but only the electronically one. On July 1, 2003 USAC again rejected my Form 471 and stated that it was because the paper form was missing pages and incomplete and that my signature had appeared in an incorrect location. Upon an examination of my form 471 I realized that pages from the form were missing and that my signature, while on the form, was not in the right place. However, my appeal is based on the following.

1. Prior to submitting the original Form 471 I spoke with USAC representatives and told them of being new to the job and having difficulty understanding the form. I also stated in my cover letter that if they had questions to please contact me.
2. The letter of March 12 did not refer to a paper form, but only to an electronic form. Thus, I was unaware of the issues with the paper form and unable to address them.
3. I used the form 471 available on the USAC homepage and available for downloading.
4. I was surprised that the Form 471 did not seem to have a place for signature. However, I realized that it needed to be signed and signed it in two places, including by my printed name.

No. of Copies rec'd
UNAPCODE



I am asking you to overturn the decisions made by USAC in order that the Clearwater Memorial Public Library may continue to participate in the E-Rate program. We have participated in the E-rate program since its inception and want to continue to do so. It has had a very positive effect on all of our programs and services and it would be too bad to see services curtailed because of clerical errors.

Yours truly,

A handwritten signature in black ink, appearing to read "Chris Ashby", written in a cursive style.

Chris Ashby
Director

Telephone 1-208-476-3411
Fax 1-208-476-4527
E-Mail cashby@orofino-id.com

Clearwater Memorial Library

(208) 476-3411
Post Office Box 471
402 Michigan Avenue
Orofino, Idaho 83544-0471

January 30, 2003
c/o Ms. Smith
SLD-Form 471
3833 Greenway Drive
Lawrence, KS 66046

Dear Ms. Smith :

Enclosed you will find my Form 171, plus accompanying data. Please do not
hesitate to call me if you have any questions

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Ashby".

Chris Ashby
Library Director



Universal Service Administrative Company
Schools & Libraries Division

FUND YEAR 2003 FORM 471 CERTIFICATION REJECTION LETTER

March 12, 2003

Chris Ashby
CLEARWATER MEM PUBLIC LIBRARY
402 Michigan
Orofino, ID 83544

Re: Applicant's Form Identifier: CMPL 012803-471
Form 471 Application Number: 361785

Dear Chris Ashby:

This letter is your notification that the Certification page of the FCC Form 471, *Services Ordered and Certification Form*, you submitted did not meet Minimum Processing Standards. Therefore we are returning your Form 471 Certification with this letter, which means that the Schools and Libraries Division (SLD) could not process it. To be considered for E-rate discounts, your Certification must be corrected and resubmitted. To be considered within the Form 471 filing window for Fund Year 2003, your new or corrected certification must be postmarked by February 6, 2003. The newly submitted Certification Form must also meet Minimum Processing Standards. Here is an explanation of the specific reason(s) your Form 471 Certification did not meet the Minimum Processing Standards:

- The FCC Form 471 Certification submitted refers to a Form 471 filed on-line (electronically) that is incomplete and does not contain all 6 pages, Blocks 1-6.

TO APPEAL THIS DECISION:

If you wish to appeal the decision indicated in this letter, your appeal must be RECEIVED BY THE SCHOOLS AND LIBRARIES DIVISION (SLD) WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which MPS Rejection Letter you are appealing. Indicate the relevant funding year and the date of the MPS Rejection Letter. Your letter of appeal must also include the applicant name, the Form 471 Application Number, and the Billed Entity Number from the top of your letter.

3. When explaining your appeal, include the precise language or text from the MPS Rejection Letter that is at the heart of your appeal. By pointing us to the exact words that give rise to your appeal, the SLD will be able to more readily understand and respond appropriately to your appeal. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
4. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125 - Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by calling the Client Service Bureau. We encourage the use of either the e-mail or fax filing options to expedite filing your appeal.

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be RECEIVED BY THE FCC WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER. Failure to meet this requirement will result in automatic dismissal of your appeal. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by calling the Client Service Bureau. We strongly recommend that you use either the e-mail or fax filing options because of continued substantial delays in mail delivery to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

Schools and Libraries Division

Universal Service Administrative Company

Enclosure:

(1) Form 471 Certification

Clearwater Memorial Library

March 17, 2003

(208) 476-3411
Post Office Box 471
402 Michigan Avenue
Orofino, Idaho 83544-0471

Letter of Appeal
Schools and Library Division
Box 125
Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

Applicant's Form Identifier CMPL 012803-471
F&I Application Number 361785

Dear Appeal Board:

I wish to appeal your rejection letter of March 12, 2003 in which you stated that our application did not meet the Minimum Processing Standards. The reason stated was that

"The FCC Form 471 Certification submitted refers to a Form 471 filed on-line (electronically) that is incomplete and does not contain all 6 pages, Blocks 1-6."

This application was prepared during a transition period in our Director staff in which the previous Director had been off the job for two months and I had been on the job three days. The whole e-rate application process was new to me and I took what I thought was the easiest way out: Prepare a paper application and mail it in. That is exactly what I did. Another reason I chose a paper application was because I was told I wasn't authorized to sign an electronically submitted Form 471 application this year, but could do so next year. If an electronic application in any form made its way to your offices it should not have done so as I did not intend to send one. I mailed the application return receipt required well ahead of the due date. In fact Jason Bennett of the Lawrence (KS) office said that our completed paper application arrived well before the cutoff date of February 6. He also stated that at least a partial electronic application was in their files and that was what was causing the problem.

I have taken the liberty of sending to you a copy of your letter dated March 12, 2003 and pages 1-4 of the Form 471 written application.

Yours truly,



Chris Ashby
Director
Clearwater Public Memorial Library



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2003-2004

July 1, 2003

Chris Ashby
Clearwater Memorial Library
Post Office Box 471
402 Michigan Avenue
Orofino, Idaho 83544-0471

Re: Billed Entity Number: 142690
 471 Application Number: 361785
 Funding Request Number(s): 980059, 980126, 980161
 Your Correspondence Dated: March 17, 2003

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year 2003 Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number(s): 980059, 980126, 980161
Decision on Appeal: **Denied in full**
Explanation:

- You have stated on appeal that that the application was prepared during a transition period within the Director staff in which the previous Director had been off the job for two months and you had been on the job for three days. You state that the whole e-rate process was new to you and that you had decided to take the easy way out and prepared a paper application and mail it in. You also state that another reason you had filed a paper application was because you was told that you were not authorized to sign an electronic application and you state that if an electronic application (in any form) had made it to the SLD offices it should not have done so as you did not intend to submit one. You close the appeal by stating that you had spoken to a representative of SLD in Lawrence (KS) and they had informed you that the paper application arrived well before the deadline date of

February 6, 2003. This person also stated that at least a partial electronic application was in the SLD files and that is was what was causing the problem.

- After a thorough review of the appeal, it was determined from the originally submitted documentation that the Form 471 submission was in fact submitted incomplete and did not contain all 6 pages, Blocks 1-6. It was determined that Block 6 was missing from the submission. The postmark date of the original submission is prior to the close of the Funding Year 2003-2004 filing window of February 6, 2003. However, this Form 471 submission was not complete. Rules of the support mechanism state that the Form 471 submission (Blocks 1-5) and Certification page (Block 6) are to be completed using OMB approved forms.
- Our records indicate that the paper FCC Form 471 submission was not properly certified due to missing Block 6, Item 34. It is also noted that the submission was signed by the authorized person in a non-approved area which was applicant created below Item 38 (page 4 of 4). You have stated on appeal that a paper application was filed prior to the deadline date and that you have included copies of this complete paper application (pages 1-4) with the appeal. After a review of this documentation, it was determined that it is the same incomplete application documentation currently in the SLD records. It is noted that a complete submission must include all 6 pages, Blocks 1-6. Your appeal has not shown that the application was improperly rejected for failing to meet the Minimum Processing Standards. Program rules for Funding Year 2003-2004 require that the Form 471 submission Certification and Signature page (Block 6) be completed and postmarked no later than February 6, 2003 in order for the Form 471 to be considered as being received inside the filing window. Since our records indicate that your Form 471 submission is incomplete and did not contain all 6 pages, Blocks 1-6. Consequently, your application will not be considered for funding and your appeal is denied in full.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use either the e-mail or fax filing options.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

36. Printed Name of Authorized Person: Chris Ashby *Chris Ashby*
37. Title or Position of Authorized Person: Library Director
38. Telephone Number of Authorized Person: (208) 476-3411 ext.
Authorized Signature: *Chris Ashby*

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